

AUG 08 2003

AF/1600



Practitioner's Docket No. SP-1093.2

**PATENT-\***

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Wong et al.

Application No.: 09/ 912,494 Group No.: 1651  
Filed: 7/24/01 Examiner: D. Ware  
For: Ultrapure Vegetable Protein Material

**Assistant Commissioner for Patents  
Alexandria, VA 22313-1450**

## RESPONSE TO OFFICE

## [ x ] ACTION

MAILED July 1, 2003

[ ] LETTER

**Certificate of Mailing/Transmission (37 C.F.R. § 1.18(a))**

I hereby certify that this correspondence is, on the date shown below, being:

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Signature of person certifying  
Richard Taylor

Date: August 7, 2003

(type or print name of person mailing paper)

(First Page of Response of Office Action or Letter (8-1.1))



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PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/912,494

Filing Date

Jul 24, 2001

First Named Inventor

Wong, Theodore

Group Art Unit

1651

Examiner Name

D. Ware

Attorney Docket Number

SP-1093.2

## ENCLOSURES (check all that apply)

Fee Transmittal Form

Assignment Papers  
(for an Application)

After Allowance Communication  
to Group

Fee Attached

Drawing(s)

Appeal Communication to Board of  
Appeals and Interferences

Amendment / Reply

Licensing-related Papers

Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)

After Final

Petition

Proprietary Information

Affidavits/declaration(s)

Petition to Convert to a  
Provisional Application

Status Letter

Extension of Time Request

Power of Attorney, Revocation  
Change of Correspondence  
Address

Other Enclosure(s) (please  
identify below):

Express Abandonment Request

Terminal Disclaimer

Information Disclosure Statement

Request for Refund

Certified Copy of Priority  
Document(s)

CD, Number of CD(s)

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

SOLAE, LLC

Signature

Richard B. Taylor Reg. No. 37,248

Date

August 7, 2003

## CERTIFICATE OF MAILING

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RICHARD B. TAYLOR

Signature

Date

August 7, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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Commissioner for Patents  
Alexandria, VA 22313-1450

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AMENDMENT TRANSMITTAL

**WARNING:** *Failure to file a complete response in compliance with § 1.135(c) leads to a reduction in patent term adjustment - See § 1.704(c)(7).*

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

a small entity. A statement:  
 is attached.  
 was already filed.

other than a small entity.

---

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail Certification is optional.)

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**37 C.F.R. § 1.8(a)** **37 C.F.R. § 1.10\***

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TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_



Signature \_\_\_\_\_  
Richard B. Taylor

Date: August 7, 2003

(type or print name of person certifying)

\*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.



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## EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) – If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

NOTE: 37 C.F.R. § 1.704(b) "...an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

2. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

(a)  Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

(b)  Applicant believes that no extension of term is required. However, this is a conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal [9-19]--page 2 of 4)

### FEE FOR CLAIMS

3. The fee for claims (37 C.F.R. § 1.16(b)-(d) ) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. OR FEE	RATE	ADDIT. FEE
<b>TOTAL</b>	<b>*</b>	<b>MINUS **</b>	<b>=</b>	<b>x\$9= \$</b>	<b>x\$18= \$</b>	
<b>INDEP.</b>	<b>*</b>	<b>MINUS ***</b>	<b>=</b>	<b>x\$42= \$</b>	<b>x\$84= \$</b>	
<b>[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM</b>			<b>+\$140= \$</b>	<b>+\$280= \$</b>		
				<b>TOTAL ADDIT. FEE \$</b>	<b>OR</b>	<b>TOTAL ADDIT FEE \$</b>

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20."

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

**(complete (c) or (d), as applicable)**

(c)  No additional fee for claims is required.

**OR**

(d)  Total additional fee for claims required \$ \_\_\_\_\_.

### FEE PAYMENT

Attached is a  check  money order in the amount of \$ \_\_\_\_\_.

Authorization is hereby made to charge the amount of \$ \_\_\_\_\_

to Deposit Account No. \_\_\_\_\_

to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

## FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6.  If any additional extension and/or fee is required, charge Account No. 50-0421.

AND/OR

If any additional fee for claims is required, charge Account No. \_\_\_\_\_.



**SIGNATURE OF PRACTITIONER**

Reg. No.: 37,248

Richard B. Taylor  
(type or print name of practitioner)

Tel. No.: (314) 982-3004

P.O. Box 88940  
P.O. Address

Customer No.:

St. Louis, Missouri 63188

(Amendment Transmittal [9-19]--page 4 of 4)